

REMARKS

Claims 1, 3-10 and 15-20 are currently pending in the application. In the Office Action of November 3, 2005, the Examiner finally rejected all of those claims. Claims 1, 3-10 and 15-20 were rejected under 35 U.S.C. Section 112. Claims 1, 3-9, 15, 17-18 and 20 were rejected under 35 U.S.C. Section 102(b). Claims 10, 16 and 19 were indicated as allowable if rewritten to overcome the Section 112 rejections and to include all the limitations of the base claim and any intervening claim.

Section 112 Rejections

Claims 1, 3-10 and 15-20 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. Specifically, in claim 1, the Examiner indicates it is not understood what direction Applicant is referring to where limitations state "bent open." However, as set forth in the Specification, on page 9, lines 9-15, the Specification clearly states that the U-shaped body and legs are bent open as shown in Fig. 5, where one leg is bent away from the other leg, and effectively the U is opened up. Therefore, claim 1 is certainly definite as recited. However, to further clarify the claim, claim 1 has been amended to recite that the bendable leg is bent away from the other leg. Accordingly, Applicant submits that this Section 112 rejection has been rendered moot and should be withdrawn. Claims 16 and 19 have been rewritten in independent form and amended accordingly as well.

The Examiner also objected to the word "legs," stating that the term "legs" is not stated in the Specification. However, on page 8, line 17, the Specification clearly states that the parts

15 and 17 form the legs of the U-shape. Accordingly, that Section 112 rejection is improper, and should be withdrawn, because there is antecedent basis in the Specification for that term.

Section 102 Rejections

Claims 1, 3-9, 15, 17, 18 and 20 were finally rejected under 35 U.S.C. Section 102(b) as being anticipated by Welch U.S. Patent No. 6,746,171. The Examiner also indicated that claims 10, 16 and 19 are allowable and would be allowable if rewritten to overcome the rejections under 112, and to include all of the limitations of the base claim and intervening claims.

Claim 1 has been amended to recite that the holder and locking means are configured so that the holder can be fixed over the edge of a wall part of the file. Accordingly, claim 1 incorporates the limitations of claim 10 which originally depended from claim 1. Claim 10 has been cancelled. As such, Applicant submits that claim 1 is now in an allowable form.

Claim 16 has been amended to include the limitation of the base claim 1. Similarly, claim 19 has also been amended to include the limitations of claims 1 and 17, which are the base claim and the intervening claim, respectively.

As such, Applicant submits that claims 16 and 19 are also in an allowable form.

Claim 20 has been cancelled.

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The remaining dependent claims 3-9, 15, and 17-18 each depend from claim 1, and thus include the limitations therein. For that reason, those dependent claims are also in an allowable form. Furthermore, each of those claims recites a unique combination of elements not taught by the cited references.

Accordingly, Applicant submits that all of the claims are in an allowable form over the cited art.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

Applicant does not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



Kurt A. Summe
Reg. No. 36,023

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324
(513) 421-7269 facsimile